

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

WAYNE GERLING, )  
                      )  
Plaintiff,         )  
                      )  
v.                   )      Case No.: 4:17-cv-2702-JAR  
                      )  
MATTHEW WAITE,    )  
                      )  
Defendant.         )

**DEFENDANT'S MOTION FOR ENTRY OF PARTIAL  
SATISFACTION OF JUDGMENT**

Defendant Matthew Waite, by and through his undersigned counsel, hereby submits his Request for this Court to enter a Partial Satisfaction of Judgment as to the award of actual damages, taxable costs, and attorneys' fees and expenses in this matter. In support, Defendant states as follows:

1.     On February 24, 2022, this Court entered its Judgment (Doc. 212).
2.     This Judgment was for \$150,000 in actual damages, \$500,000 in punitive damages, \$625,265.93 in attorney's fees and non-taxable costs, and \$12,586.81 in taxable costs.
3.     Via an email sent on April 11, 2022, a copy of which is attached as Exhibit A, Plaintiff has acknowledged receipt of payment in the total amount of \$787,852.74, consisting of \$150,000 in actual damages, \$625,265.93 in attorney's fees and non-taxable costs, and \$12,586.81 in taxable costs.

4. This payment did not include any payment for the punitive damages portion of the Judgment. *See* Ex. A.

5. Defendant Waite therefore seeks a Partial Satisfaction of Judgment indicating that the portions of the Court's Judgment for actual damages, attorney's fees and non-taxable costs, and taxable costs have been satisfied in full.

WHEREFORE, Defendant Waite respectfully asks this Court to enter a Partial Satisfaction of Judgment in the total amount of \$787,852.74 as to the award of actual damages, taxable costs, and attorneys' fees and expenses in this matter, and for any other relief deemed just and proper under the circumstances.

Respectfully Submitted,

SCHREIMANN, RACKERS &  
FRANCKA, L.L.C.

/s/ Ryan Bertels  
Chris Rackers, #41894  
Brad Letterman, #52818  
Ryan Bertels, #55167  
931 Wildwood Drive  
Suite 201  
Jefferson City, MO 65109  
573/634-7580  
573/635-6034 (facsimile)  
[cpr@srfblaw.com](mailto:cpr@srfblaw.com)  
[bcl@srfblaw.com](mailto:bcl@srfblaw.com)  
[rb@srfblaw.com](mailto:rb@srfblaw.com)

Attorneys for Defendant Matthew Waite

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served upon all attorneys of record, via the Court's electronic filing system, on April 11, 2022.

/s/ Ryan Bertels